

App. Ser. No.: 10/825,644

Atty. Doc. No.: D03125

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/825,644

Confirm. No.: 8994

Inventor: Christopher J. Stone

Filing Date: April 15, 2004

Title: Method, Article of Manufacture and Apparatuses for Establishing
an Isochronous Signal for Transmission to a Signal Receiving
Device

Examiner: Daley, Christopher Anthony

Art Unit: 2111

Atty. Docket No.: D03125

Mail Stop Appeal
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BREIF REQUEST FOR REVIEW

Please review the Final Rejection mailed on July 25, 2006. No amendments are being filed with this Request. This Request is being filed with a Notice of Appeal and required fee. The review requested is attached hereto and is not more than five (5) pages.

REQUEST FOR REVIEW

In the Final Rejection mailed on July 25, 2006, the Examiner asserts, “Ono teaches of a system transmitting information over a serial bus to configure a device with the help of a initialization detecting device.” *See* Final Rejection mailed July 25, 2006, page 3. The Examiner goes on to assert, “[d]etecting device receives self-ID packets and perform said configuration,” is taught in Ono et al.’s column 4, lines 1-10. *Id.*

Ono et al. does not teach or suggest self-ID packets. Ono et al. instead teach “self-data,” in column 15, line 11. Ono et al. fail to describe what is in this self-data or what the purpose of it is. Ono et al. do not teach this self-data as being specifically used for configuring a device. It is possible this self-data merely identifies one node to others on the network. Regardless of what the self-data might be, it is clear that Ono et al. fail to teach or suggest this data being used to configure a device.

The Examiner is also misreading Ono et al.’s column 4, lines 1-10. Nowhere in this passage are the words “self-ID packets” and “configuration” even used. It is unclear how this passage even relates to the present invention. Absent a more concrete teaching in column 4, lines 1-10, it cannot be used to reject the present claims.

In addition, the Examiner’s motivation to combine Sun with Ono et al. is improper. The Examiner asserts that Ono et al. teach the motivation to combine in column 23, lines 15-25. Again, the words “configure” and “configuration” are not used in this passage. Thus, this passage does not provide the motivation alleged by the Examiner.

Finally, the Examiner notices that there is a deficiency in Sun in what he teaches with respect to the present claims. Applicant agrees. However, the mere fact that there is

a deficiency in Sun is not motivation to modify Sun. To put it another way, every patent is finite in what it teaches and discloses. This fact does not make a patent “deficient” such that it could be improved by adding a second patent. The Examiner has simply failed to point out how Sun’s circuits could be improved with the addition of Ono et al. Absent such a showing in Sun, the motivation to combine Sun and Ono et al. is improper.

For at least these reasons, the Examiner’s rejections are improper and should be set aside.

CONCLUSION

No additional fees are beyond the Petition for a 3 Month Extension and the Notice of Appeal due. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

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____December 21, 2006____
Date